

REMARKS:

The claims in the application are 1, 3-7, 13-16, 23-29 and Claim 30 added by the present amendment.

Favorable reconsideration of the application as amended is respectfully requested.

The present amendment is being made in accordance with a telephone interview between the Examiner in charge of the above-identified application at the Patent and Trademark Office and undersigned attorney on Wednesday, June 28, 2006. The courtesy extended by the Examiner in arranging for and conducting the telephone interview is greatly appreciated.

Independent Claims 1 and 23 are amended as presented for discussion during the telephone interview and in accordance with discussion during the interview (addressed further *infra*). Claims 14, 24 and 27 which have been indicated allowable in paragraph 10 of the Final Office Action have been amended into independent form (Claims 15, 25, 26, 28 and 29 also indicated allowable in paragraph 10 of the Final Office Action, depend from one of these two independent Claims). Additionally, Claims 5 and 23 have been amended to eliminate the rejection under 35 U.S.C. §112, second paragraph, raised in paragraphs 4 and 5 of the Final Office Action, while Claim 30 introduced herein finds explicit support in the last full paragraph on page 7 and Fig. 7 of the present application.

Accordingly, the only outstanding issue is the prior art rejection of the claims. More particularly, Claims 1, 3-5, 13 and 23 have been rejected under 35 U.S.C. §102 as being anticipated by U.S. Pat. No. 1,025,388 to Finnell et al in paragraph

7 of the Final Office Action, while Claim 16 has been rejected under 35 U.S.C. §103 as obvious additionally in view of U.S. Pat. No. 1,218,197 to MacKinlay in paragraph 9 of the Final Office Action.

It is asserted in paragraph 7 of the Final Office Action washer 20 or head 13 is equivalent to intermediary piece 11 of the present invention (reference is being made to preferred embodiments of the present invention illustrated in the drawings of the present application). However, as shown in Fig. 2 of Finnell et al, washer 20 is mounted at an end of spring 18 situated within plunger 11; in the presently claimed invention, intermediary piece 11 separates plunger 3 and compression spring 8 and is situated directly adjacent to the inner surface of hollow body 4.

Furthermore, cover or head 13 in Finnell et al is screwed or secured onto an upper end of plunger 11, i.e., is fixedly retained upon the plunger 11 as an integral piece. Therefore, cover or head 13 merely forms part of the same piston or plunger 11 and cannot be considered a separate intermediary piece. Moreover, the lateral end of the piston or plunger 11 in Finnell et al is positioned between the head 13 and inner surface of hollow body or cylinder 9, as best seen in Fig. 2 of this reference, contrary to the presently claimed invention where the intermediary piece 11 is situated directly adjacent to the inner surface of the hollow body 4 and between the compression spring 8 and plunger 3.

Accordingly, independent Claims 1 and 23 have each been amended in accordance with discussion during the telephone interview to recite, among other features, the intermediary piece 11 is separated from the plunger 3 and has a face resting against a separate face of the plunger 3, with the intermediary piece 11 situated between the plunger 3 and compression spring 8 and also directly adjacent to an inner surface of the hollow body 4. Regarding U.S. Pat. No. 6,553,617 and DE

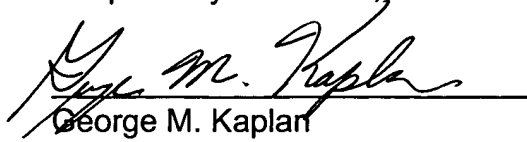
299 13 854 to Salice, raised by the Examiner during the telephone interview, it is respectfully pointed out independent Claims 1 and 23 now recite intermediary piece 11 is separate from plunger 3; attention is respectfully called, e.g., to dependent Claim 4 which recites the intermediary piece 11 is supported upon the plunger 3 by frictional contact.

Concerning dependent Claim 16, as also pointed out during the telephone interview, MacKinlay shows a damper offset from the hinge 12 unlike the present invention where the plunger 3 is situated in the hinge pot 20 to rest against the arm 22 of the hinge during closing (attention is also called to new dependent Claim 30 in this regard).

Accordingly, in view of the forgoing amendment, accompanying remarks, explicit statements in the Final Office Action and telephone interview in the above-identified application, it is respectfully submitted all claims pending herein are in condition for allowance. Please contact the undersigned attorney should there be any questions. The requisite RCE filing papers and fees are enclosed.

Early favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "George M. Kaplan", is written over a horizontal line.

George M. Kaplan

Reg. No. 28,375

Attorney for Applicant(s)

DILWORTH & BARRESE, LLP

333 Earle Ovington Blvd.

Uniondale, New York 11553

Phone: 516-228-8484

Facsimile: 516-228-8516